

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

XO Illinois, Inc.	:	
	:	
Application for Proprietary Treatment for	:	02-0098
Annual Reports Under Section 5-109 of	:	
the Illinois Public Utilities Act.	:	

ORDER

By the Commission:

On January 28, 2002, XO Illinois, Inc. ("Petitioner"), filed a verified petition with the Illinois Commerce Commission ("Commission") requesting the Commission enter an Order protecting its 2001 Annual Report from disclosure.

Petitioner was certified by this Commission to provide telecommunications services. The petition states that the telecommunications industry is highly competitive, and that Petitioner's Annual Report includes commercial and financial information that is highly sensitive and of a proprietary and confidential nature. Moreover, Petitioner alleges that public disclosure of such information would place it at a competitive disadvantage.

Since all the facts necessary for the Commission to grant the relief requested are contained in the petition, no hearing is necessary and it is waived.

The Commission, having reviewed the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) XO Illinois, Inc. is a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act which provides competitive telecommunication service as defined in Section 13-209 of the Act and;
- (2) the Commission has jurisdiction over Petitioner and subject matter herein;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the

Commission;

- (5) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

- (6) the verified petition states that Petitioner's 2001 Annual Report falls within the exemption stated in Finding (5);
- (7) Petitioner's 2001 Annual Report be kept from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act for a period of five (5) years from the date of this Order;
- (8) Petitioner should submit with its Annual Report a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2001 Annual Report filed by XO Illinois, Inc. is afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of five (5) years from the date of this Order.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over XO Illinois, Inc. and the subject matter hereof for the purpose of issuing such further orders as it may deem necessary.

IT IS FURTHER ORDERED that a cover letter shall be submitted with the Annual Report filed by Petitioner indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission 13th day of March, 2002.

Chairman